

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 17, 19-26, 28, 33, and 36 are pending. In the present amendment, Claim 17 is amended; and Claims 18, 34, 35, 37, and 38 are canceled without prejudice or disclaimer. Support for the present amendment can be found in Claim 18. Thus, it is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 34-38 were rejected under 35 U.S.C. § 112, first paragraph; Claims 17, 18, 20-26, 28, 33-35, 37, and 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bertaccini (U.S. Patent No. 4,147,455) in view of Hellerman et al. (U.S. Patent No. 4,040,265, hereinafter “Hellerman”); and Claims 19 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bertaccini in view of Hellerman and Recalde (U.S. Patent No. 5,533,834).

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which, after final rejection, permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment cancels Claim 18 and amends Claim 17 to include the subject matter of Claim 18. Therefore, this amendment **only** includes subject matter which was earlier presented. Thus, no new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

With respect to the rejection under 35 U.S.C. § 112, first paragraph, Claims 34, 35, 37, and 38 are hereby canceled without prejudice or disclaimer. Regarding Claim 36, support for the phrase “such that only the weight of the pipelines and an inclination angle of the upper

surfaces affects the downward transversal movement of the pipelines on the upper surfaces of the supports” can be found at page 4, line 23 to page 5, line 2 in the PCT application (PCT/EP05/01222) from which the present application claims priority. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

Turning now to the rejections under 35 U.S.C. § 103(a) based on Bertaccini, Hellerman, and Recalde, Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Claim 17 is amended to include the features of Claim 18 and recites, in part, “wherein upper surfaces of supports on which the pipelines rest, are tilted with respect to a horizontal plane, and transversally with respect to a direction of the pipelines, such that the pipelines undergo a downward transversal movement on the upper surfaces of the supports caused by a lateral force acting on the pipelines, in relation to a weight of the pipelines and an inclination angle of the upper surfaces.” It is respectfully submitted that the cited references do not disclose or suggest at least this feature recited in amended Claim 17.

In particular, Bertaccini discusses a support structure 1 for compensating irregularities of the sea bottom by supporting the pipeline at a preselected and **fixed** elevated position. The supporting structure 1 of Bertaccini completely **limits** the transversal movement of the pipeline by the combined action of the inclined surface 3 of the support and the wedge 10.

The Office Action asserts on page 3 in paragraph 5 that “Examiner notes that the tilting of the upper surface as taught by Bertaccini would inherently create a downward lateral force acting on the pipelines, the magnitude of the force being a function of pipeline weight and the angle of inclination of the tilted surface; and only the downward lateral force affects the downward transverse movement of the pipeline.”

Applicants respectfully disagree. In the present invention as recited in Claim 17, the transversal movement downwards of the pipeline on the upper surfaces of the support takes

place in a *passive* way, thanks to “a lateral force related to a weight of the pipelines and an inclination angle of the upper surfaces,” whereas in both Bertaccini and Hellerman, the movement is achieved in an *active* way, i.e. caused by mechanical means.

The Office Action acknowledges that Bertaccini “fails to disclose the pipelines undergo a downward transversal movement on the upper surfaces of the supports.” However, this failure of Bertaccini cannot be overcome by the insertion of the pawl mechanism of Hellerman because as a result there would be a possibility both of a transversal movement downwards and of a transversal movement *upwards*, depending on how the pawl mechanism is controlled, but there would *not* be merely a transversal movement downwards, which is passive and not controlled, as in the present invention.

Thus, in contrast from Bertaccini and Hellerman, the method as recited in Claim 17 creates a lateral force acting on the pipeline such that the pipelines undergo a (free) downward transversal movement on the surface of the support. In this way, control of the lateral buckling is achieved and the pipeline does not undergo additional stress.

The present invention as recited in the claims provides a method for triggering and controlling the lateral buckling, namely a method which allows lateral buckling of the pipeline to occur, but assures that it takes place in a predefined (thus controlled) manner in order to prevent additional stress on the pipeline. The system of Bertaccini is not capable of generating a force which predetermines the direction of a transversal downward movement of the pipeline in case of buckling. In contrast, the support system of Bertaccini generates forces which prevent movement of the pipelines in case of buckling.

Accordingly, it is respectfully requested that the rejection of Claim 17, and all claims which depend thereon, be withdrawn.

Claim 19 is dependent on Claim 17, and thus is patentable for at least the reasons discussed above with respect to Claim 17. Further, it is respectfully submitted that Recalde

does not cure the deficiencies of Bertaccini and Hellerman with respect to Claim 17.

Accordingly, it is respectfully requested that Claim 19 be allowed.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

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